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The request to seal is granted in part. Defendants shall file under seal an unredacted version of the response as well as any exhibits marked as Confidential. Defendants shall publicly file a redacted version of the response (redacted only to the extent it references the substance of materials marked Confidential) as well as any exhibits not marked Confidential.

SO ORDERED.

A handwritten signature in black ink, reading "Loretta A. Preska".

1/12/2022

January 12, 2022

ECF

Honorable Loretta A. Preska, U.S.D.J.  
United States Courthouse  
500 Pearl Street, Room 2220  
New York, New York 10007

Re: *Amy Miller v. Levi & Korsinsky, LLP, Eduard Korsinsky and Joseph Levi*  
Civil Action No. 1:20-cv-01390-LAP-BCM

Dear Judge Preska:

On behalf of Defendants Levi & Korsinsky, LLP ("L&K"), Eduard Korsinsky ("Korsinsky") and Joseph Levi ("Levi") (collectively, "Defendants"), we write pursuant to Paragraph 2. H. of Your Honor's Individual Practices to request approval to file under seal Defendants' response to the January 7, 2022 letter motion of Plaintiff Amy Miller ("Plaintiff") seeking a protective order concerning production of four audio recordings apparently in Plaintiff's possession (ECF No. 53). Defendants' response perforce will rely upon information contained in numerous documents previously unknown to Defendants, not otherwise available to Defendants and produced by Plaintiff as a result of ESI searches bearing a "Confidential" designation pursuant to the applicable Confidentiality Stipulation and Order (ECF No. 35).

The Confidentiality Stipulation and Order allows Plaintiff discretion to make "Confidential" designations:

Any party, or counsel for any such party, may designate as "CONFIDENTIAL" any Material disclosed, or to be disclosed, by that party as to which counsel entertains a good faith belief that such document is entitled to confidentiality pursuant to [Fed. R. Civ. P. 26\(c\)\(1\)\(G\)](#) or because it otherwise contains non-public, personal, proprietary or sensitive information of the parties or non-parties to the Action, including, without limitation, information regarding clients, trade secrets, proprietary business information, information concerning economic affairs, finances, attorney productivity, compensation, incentives, client and law firm arrangements, regulatory information, competitively sensitive information, medical information, or other information the public disclosure of

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which would, in the good faith judgment of the party designating such material as confidential, (a) be detrimental to the conduct of that party's legitimate business or the business of any of that party's clients, or (b) be an unwarranted invasion of privacy ("Confidential Material"). Such "CONFIDENTIAL" designation shall, without more, subject the Material provided under said designation to the provisions of this Confidentiality Stipulation.

(ECF No. 35 ¶ A.2.)

Defendants are in the process of preparing their response due on January 12 (ECF No. 54) and have not fully determined documents on which they will rely to oppose the factual basis of Plaintiff's motion. However, to respond meaningfully, Defendants will rely upon communications, mostly authored by Plaintiff, concerning conversations recorded by Plaintiff and designated by her as subject to the Confidentiality Stipulation and Order. Were it not for Plaintiff's designation of "Confidential" status for virtually the entirety of her document production, Defendants would endeavor to select documents otherwise appropriate in a public filing.

Approval of Defendants' request to file under seal will fulfill Plaintiff's intention in making designations of "Confidential" status, while not impairing Defendants' discretionary resort to Confidential documents as a basis for opposing Plaintiff's motion for a protective order. Absent the requested sealing, Defendants would be impeded by an inability to bring to the Court's attention documents known to Plaintiff and Defendants, but placed off-limits because of the "Confidential" designation affixed by Plaintiff.

Accordingly, Defendants respectfully request that this Honorable Court grant Defendants' request for sealed filing of their response to Plaintiff's motion.

Respectfully,

/s/Allen B. Roberts

Allen B. Roberts

cc: All counsel of record via ECF